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*Attorneys for the Town of Huntington*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re

JOE'S FRIENDLY SERVICE & SON INC.  
d/b/a THATCHED COTTAGE AT THE BAY,

Chapter 7  
Case No.: 14-70001 (REG)

Debtor.  
-----X

In re

THATCHED COTTAGE LP,

Debtor.

Chapter 7  
Case No. 14-70002 (REG)

-----X  
BETHPAGE FEDERAL CREDIT UNION and  
BUSINESS SERVICES GROUP, LLC,

Plaintiffs

-against-

SUPREME COURT OF THE  
STATE OF NEW YORK,  
COUNTY OF SUFFOLK

TOWN OF HUNTINGTON, TOWN COUNCIL OF THE TOWN OF  
HUNTINGTON, KENNETH LINDAHL, FORMER DIRECTOR OF  
THE DEPARTMENT OF PUBLIC SAFETY OF THE TOWN OF  
HUNTINGTON, JOSEPH ROSE, DIRECTOR OF THE  
DEPARTMENT OF PUBLIC SAFETY OF THE TOWN OF  
HUNTINGTON, DEPARTMENT OF ENGINEERING SERVICES  
OF THE TOWN OF HUNTINGTON, JOSPEH F. CLINE,  
DIRECTOR OF THE DEPARTMENT OF ENGINEERING  
SERVICES OF THE TOWN OF HUNTINGTON, RICHARD  
VACCHIO, SENIOR BUILDING INSPECTOR OF THE TOWN OF  
HUNTINGTON, DIVISION OF CODE ENFORCEMENT OF THE  
TOWN OF HUNTINGTON, JOSEPH ROSE, DIVISION OF HEAD  
OF THE DIVISION OF CODE ENFORCEMENT OF THE TOWN  
OF HUNTINGTON AND JANET RINKER, DIVISION HEAD OF  
THE DIVISION OF CODE ENFORCEMENT OF THE TOWN OF  
HUNTINGTON,

Index No. 602322/2016

Defendants.  
-----X

**TO:** Robert A. Gavin, Jr.  
Clerk of the Bankruptcy Court  
United State Bankruptcy Court  
for the Eastern District of New York  
Alfonse M. D'Amato U.S. Courthouse  
290 Federal Plaza  
Central Islip, NY 11722

Michael Scardino  
Chief Clerk  
Supreme Court of the State  
of New York, County of Suffolk  
1 Court Street  
Riverhead, New York 11901

**NOTICE OF REMOVAL**

Pursuant 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure, defendants Town of Huntington, Town Council of the Town of Huntington, Department of Public Safety of the Town of Huntington, Kenneth Lindahl, Former Director of Department of Public Safety of the Town of Huntington, Joseph Rose, Director of the Department of Public Safety of the Town of Huntington, Department of Engineering Services of the Town of Huntington, Joseph F. Cline, Director of the Department of Engineering Services of the Town of Huntington, Richard Vacchio, Senior Building Inspector of the Town of Huntington, Joseph Rose, Division Head of the Division of Code Enforcement of the Town of Huntington and Janet Rinker, Division Head of the Division of Code Enforcement of the Town of Huntington (together "Defendants") hereby remove to this Court the action styled *Bethpage Federal Credit Union and Business Services Group, LLC v. Town of Huntington et al.*, pending in the Supreme Court of the State of New York,, Suffolk County (Index No. 602322/2016) (the "State Court Action"). In support of this removal, Defendants respectfully represent as follows:

### **THE STATE COURT ACTION**

1. The State Court Action was filed in the County Clerk's Office, County of Suffolk on or about February 11, 2016. One or more Defendants were served with a copy of the summons and complaint on February 17, 2016. As of the date hereof, the issues raised in the Complaint in the State Court Action have not been joined. A copy of the complaint filed in the State Court Action is annexed hereto as Exhibit A.

### **THE RELATED BANKRUPTCY CASE**

2. On February 16, 2016, R. Kenneth Barnard, the chapter 7 trustee (the "Trustee") for the estates of Joe's Friendly Service & Sons, Inc. d/b/a Thatched Cottage at the Bay and Thatched Cottage L.P. (together, the "Debtors") pending as Chapter 7 Case Nos. 14-70001; 14-70002 (together, the "Bankruptcy Case"), filed a complaint against substantially all of the Defendants [Adv. Pro. 16-08025, ECF Docket No. 1] (the "Trustee Complaint"). By the Trustee Complaint, the Trustee asserts nearly identical claims against Defendants to those asserted in the State Court Action. Moreover, most of the factual allegations supporting each of the claims asserted in the State Court Action relate to acts, occurrences or matters that either took place during the Bankruptcy Case or were addressed by this Court in the Bankruptcy Case.

### **BASIS FOR REMOVAL**

3. The State Court Action is a civil proceeding related to the Debtors' chapter 7 cases. Pursuant to 28 U.S.C. § 1334, the Bankruptcy Court has jurisdiction over each cause of action asserted in the State Court Action. The State Court Action is a core proceeding under 28 U.S.C. § 157, including subsections (A) and (N). To the extent any cause of action stated in the State Court Action is subsequently determined to be non-core under 28 U.S.C. § 157, the Defendants consent to the entry of final orders or judgments by the United States Bankruptcy

Court.

4. The Notice of Removal is filed within the time set forth in Bankruptcy Rule 9027.

WHEREFORE, Defendants, as removing parties, give notice that the State Court Action and all claims and causes of action therein is removed from the Supreme Court of the State of New York, Kings County, to the United States Bankruptcy Court for the Eastern District of New York, pursuant to Fed. R. Bankr. P. 9027(c), subject to any motion to transfer venue made to the Bankruptcy Court of the Eastern District of New York or order remanding the State Court Action.

Dated: Garden City, New York  
March 11, 2016

MORITT HOCK & HAMROFF LLP

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